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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,338	04/12/2001	Faisal M. Awada	AUS920000880US1	3777

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EXAMINER
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BEHULU, ALEMAYEHU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,338

Applicant(s)

AWADA ET AL.

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 10-14 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 5, 7-9, 13, 15-21 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 10-12, 14, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent No. 5,923,327).

Regarding claim 1, Smith discloses a method of providing electronic business cards via a cellular phone (figures 2, 6), comprising: storing data of said business card as an electronic image in non-volatile storage (column 5, lines 58-64, column 8, lines 11-15); connecting a call between said cellular phone and a recipient cellular phone (column 8, lines 18-23, column 11, lines 9-14); transmitting an electronic representation of said business card from cellular phone to said recipient cellular phone during said call, wherein electronic image of business card is displayed on recipient cell phone (column 8, lines 18-33 and column 11, lines 19-48, column 4, lines 10-13).

Regarding claim 2, Smith discloses the method of claim 1 further comprising entering said data utilizing a keypad of said cellular phone and selectable menu items on said cellular phone (figure 3, number 330, figure 4, number 450 and figure 13, numbers 1310 and 1320); and selecting a layout of data for viewable presentation as business card,

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wherein a first layout scales business card to fit in a display screen of cellular telephone (column 4, lines 10-13, figures 17A, 17B, 18A, 18B).

Regarding claims 3, 24, Smith discloses the method of claim 1 wherein said storing step comprises storing said data in non-volatile storage of said cellular phone (figure 6, column 6, lines 47-64, column 5, lines 58-64, column 8, lines 11-15, and figure 4, number 444 column 5, 58-64, column 8, lines 11-17 and column 11, lines 41-48), wherein data includes at least one or more of a name, a business name, a phone number, a address, an email address, and a web address (column 4, lines 1-2, 10-13, figures 17A, 17B, 18A, 18B).

Regarding claim 10, Smith discloses a cellular telephone (figure 4) comprising: a processor (figure 4, number 430) and associated non-volatile memory (figure 4, number 444); a display device (figure 4, number 470); and program code executed by said processor (figure 5, number 520 and 540, column 5, lines 58-64 and column 6, lines 23-31) comprising code for: storing business card information in said associated non-volatile memory (column 5, lines 57-64, column 9, lines 11-column 10, lines 8, and column 11, lines 32-47); transmitting electronic representation said business card information form cellular phone to said recipient cellular phone responsive to a user selection of a business card transmit menu function during a call to the recipient cellular phone, wherein electronic image of business card is displayed on recipient cell phone (column 8, lines 18-33 and column 11, lines 9-48, column 4, lines 10-13).

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Regarding claim 11, Smith discloses the cellular telephone of claim 10 further comprising program code for: enabling and displaying a plurality of menu functions for inputting said business card information, storing said business card information, and subsequent transmission and manipulation of said business card information (column 9, lines 12-column 10, lines 8).

Regarding claim 12, Smith discloses the cellular telephone of claim 11 wherein said program code for inputting business card information including code for prompting a user for said business card information responsive to a selection of a menu function for entry of said business card information (column 6, lines 65-columns 7, lines 42), displaying business card information in a business card format on display device (figures 17, 18).

Regarding claims 14, 23, Smith discloses the cellular telephone of claim 12 wherein said displaying program code includes code for scaling said business card information to fit within said display device prior displaying business card (column 7, lines 57-63).

Regarding claim 22, Smith discloses a cellular phone system that enables transmission of electronic business cards (figure 2), comprising: a network for connecting wireless calls and transmitting data from one cellular phone unit to another; a recipient's cellular phone, capable of receiving calls and data from said network (figure 2, numbers 210 and 240 and column 4, lines 33-61, column 11, lines 9-13); a sender's cellular phone that includes program code for storing and transmitting business card data via said network to said recipient's cellular phone (column 11, lines 9-47, column 9, lines 12-column 10, lines 8),

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wherein said program code transmits said business card data responsive to a user selecting a transmit function on said sender's cellular phone during a call to said recipient's cellular phone (column 8, lines 18-33 and column 11, lines 19-48, column 4, lines 10-13), sorting data of business card as an electronic image in a non-volatile storage; connecting a call between cellular phone and a recipient cellular phone; and transmitting an electronic representation of business card from cellular phone to recipient cellular phone during call, wherein electronic image of business card is displayed on recipient cell phone (column 8, lines 18-33 and column 11, lines 19-48, column 4, lines 10-13, column 9, lines 12-column 10, lines 8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent No. 5, 923, 327) in view of Shachar (U.S. Patent No. 5, 764, 736).

Regarding claim 4, Smith discloses the method of claim 1 wherein said storing step comprises storing electronic image in a network database accessible to said cellular phone via a cellular network (column 6, lines 40-46, column 10, lines 21-45, column 11, lines 9-18 and column 11, lines 41-48). However, Smith fails to disclose retaining only

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relevant identifying data of business card within a directory list of cellular phone; and enabling upload of electronic image to cellular phone representative to a selection of relevant identifying data at cellular phone, wherein electronic image is displayed when identifying data is selected by a user of cellular phone. But, Shachar discloses retaining only relevant identifying data of business card within a directory list of cellular phone (column 7, lines 21-39, column 10, lines 7-32); and enabling upload of electronic image to cellular phone representative to a selection of relevant identifying data at cellular phone, wherein electronic image is displayed when identifying data is selected by a user of cellular phone (column 7, lines 21-39, column 9, lines 1-38, column 10, lines 7-column 11, lines 6). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Smith (U.S. Patent No. 5, 923, 327) with Shachar (U.S. Patent No. 5, 764, 736) in order to save storage space in the mobile device, as suggested by Shachar.

3. Claims 6, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent No. 5, 923, 327) in view of Farros (U.S. Patent No. 6,717,868).

Regarding claims 6, 25, Smith discloses the method of claim 1 and among multiple of business cards stored by cellular phone, wherein a general selection of a business card on which to execute functions automatically selects (column 9, lines 34-column 10, lines 8). However, Smith fails to disclose identifying a default business card. But, Farros discloses identifying a default business card (figure 3A, column 4, lines 60-column 5, lines 6). Therefore, at the time of the invention it would have been obvious to a person of

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ordinary skill in the art to combine Smith (U.S. Patent No. 5, 923, 327) with Farros (U.S. Patent No. 6,717,868) so that the user has an option to edit the information on the business card as needed before sending, as suggested by Farros.

4. Claims 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent No. 5, 923, 327) and Farros (U.S. Patent No. 6,717,868) in view of Schachar (U.S. Patent No. 5,764,736).

Regarding claim 26, the combination of Smith and Farros disclose the cellular phone system of claim 25, wherein said recipient's cellular phone further comprises program code for receiving said business card (column 4, lines 10-13column 11, lines 32-40), displaying (see Smith figure 18, numbers 1810 and 1820) said business card and storing a received business card in non-volatile memory (see Smith column 11, lines 41-47), displaying an electronic image of business card (see Smith column 11, lines 32-40) , enabling user to store business card for future access (see Smith column 11, lines 41-48). However, Smith and Farros fail to disclose outputting a signal to alert the user of the recipient of business card data, relevant communication data is stored in a format that enables user to later initiate a call and send an email without physically entering the telephone number or email address of the contact identified by business card. But, Schachar discloses outputting a signal to alert the user of the recipient of business card data (column 4, lines 13-20, column 10, lines 24-32), relevant communication data is stored in a format that enables user to later initiate a call (column 9, lines 4-38, column 10, lines 8-60) and send an email without physically entering the telephone number or



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email address of the contact identified by business card (column 10, lines 61-66).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Smith (U.S. Patent No. 5, 923, 327) and Farros (U.S. Patent No. 6,717,868) with (Schachar (U.S. Patent No. 5,764,736) in order to save dialing time and storage space on the remote terminal.

Regarding claim 27, the combination of Smith, Farros and Schachar disclose the cellular system of claim 26, wherein program code further comprising code for: storing electronic image in a network database accessible to cellular phone via a cellular phone (see Smith column 6, lines 40-46, column 10, lines 21-45, column 11, lines 9-18 and column 11, lines 41-48), retaining only relevant identifying data of business card within a directory list of cellular phone; (see Schachar column 9, lines 4-38, column 10, lines 8-60), enabling upload of electronic image to cellular phone responsive to a selection of relevant identifying data at cellular phone, wherein electronics image is displayed when identifying data is selected by a user of cellular phone (see Schachar column 9, lines 4-38, column 10, lines 8-60).

***Allowable Subject Matter***

5. Claims 5, 7-9, 13, 15-21, 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claims 5, 28, 29, the applied references fail to disclose, or render obvious the claimed limitations that enabling voice activation of a call to a business contact by a user voicing call while electronic image of business card is being displayed; and enabling voice activation of a transmission of a business card by a user voicing send while electronic image of business card is being displayed as specified in the claim.

Regarding claims 7-9, 13-21, 30, the applied references fail to disclose, or render obvious the claimed limitations that when a default business card has been identified by a the user, transmitting default business card to the recipient cellular telephone unless user specifically selects a different of multiple stored business cards to transmit as specified in the claim.

6. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

  
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8/6/04